

The Rights/Responsibilities of Citizens and Police

SAN DIEGO POLICE DEPARTMENT

EMERGENCY **DIAL 911** / NON-EMERGENCY DIAL **(619) 531-2000**

This information is available in alternative formats upon request.

Q. A friend of mine was stopped. I tried to explain to the officer that they had the wrong person, but I was told to leave or I would be arrested. What should I have done?

A. The best thing for you to do in order to help your friend is to become a good witness to the event. Don't become involved in a debate with the officer. This could be considered unlawful interference.

Q. Does the officer have to give me his badge number?

A. The San Diego Police Department requires its officers to provide his/her name and employee I.D. number when requested.

Q. If I get a traffic ticket, do I have to sign it?

A. Your signature is required on the citation in order to be released. Failure to sign means the officer cannot release you and will take you to jail. Signing the citation in no way admits any guilt.

Q. How many officers are necessary to arrest one person?

A. When the situation appears potentially dangerous, units may be asked to back up the first officer arriving on the scene. Experience has shown that an offender is less inclined to resist apprehension and arrest when faced with several officers. This reduces the risk of physical injury to officers and citizens.

Q. If a police officer has to use his/her gun, why not just shoot the suspect in the arm or leg?

A. When a police officer is forced to use his/her firearm, it is a life threatening situation that requires the officer to stop the threat immediately. Additionally, in a tense situation, shooting at the moving arms or legs of an individual is extremely difficult.

Q. When is a police officer required to advise me of my rights?

A. When the officer places an individual in custody and intends to question him/her as a suspect in a criminal case, the officer, before starting an interview, must give "Miranda" rights.

Q. If an officer stops and detains me, do I have the right to walk away?

A. The officer cannot legally detain you unless he/she has reason to believe you may be involved in a crime. Ask the officer if you are under arrest. If the answer is "no" then ask if you are free to go. If the answer is "no" again, you now know that this is an official detention.

Q. Can an officer reach into someone's pockets without a search warrant?

A. The officer can only go into their pockets after placing a suspect under arrest, or with their permission or when a weapon is felt during a "pat down."

Q. Does an officer need a warrant to enter my home?

A. In most situations a warrant to enter the home is needed, however, an officer can enter a home without a warrant to check on the health or welfare of someone, or with consent of the occupant, or during the active pursuit of a suspect.

Q. Can an officer order me to get out of my car during a traffic stop?

A. Yes. The law does allow the officer for his/her own safety to order someone to stay in or exit their vehicle during a traffic stop.

Q. Am I required to carry identification with me?

A. No. Carrying identification (except when driving) is not mandatory in the U.S. However, in some cases, it may become necessary that the police verify your identity.

Q. How do I file a complaint against an officer?

A. Complaints against police officers can be made several ways: either by phone, in person at the police station, in writing, or through the Citizens' Review Board.

Q. What will happen to the officers if I file a complaint?

A. The complaint will be investigated. If their actions were improper, they will be disciplined. However, by law (832.7 P.C.) we are prohibited from telling you what disciplinary action was taken.

Q. What if I am not satisfied with the results of the investigation?

A. We sincerely hope that does not happen. If it does, you may contact any of the following

Offices or Departments:

Mayor's Office.....	(619) 236-6363
District Attorney's Office.....	(619) 531-4040
City Attorney's Office.....	(619) 236-6220
San Diego County Grand Jury.....	(619) 515-8707
Councilperson.....	(619) 236-6440
Federal Bureau of Investigations.....	(858) 565-1255
State Attorney General.....	(619) 645-2001

Q. On the other hand, what if I wish to compliment an officer?

A. If you have experienced good service from a member of the Police Department, we want to hear about it. Please write down all the details including dates, times and circumstances.